## REMARKS

In the Office Action dated June 27, 2008, claims 18-26 and 28-35 are pending, and claims 18-26 and 28-35 are rejected. Reconsideration is requested at least for the reasons discussed hereinbelow.

The present application is a 371 of PCT/EP04/04912 filed May 7, 2004, designating the United States.

Further, Applicant has claimed priority of German Patent Application No. 20 2004 003 054.3 filed February 27, 2004. Enclosed herewith is a Verified translation of the priority application.

Claims 18, 22-26, 28-32, 34 and 35 are rejected under 35 U.S.C. §103(a) over Chen and Webber (previously cited) in view of Bystrom.

Chen and Webber were discussed in detail in response to previous office actions. The present invention, as set forth in claim 18, recites that the elongated body further comprising respective body ends and having borings transverse the longitudinal direction through the elongated body, wherein the handles are attached close to the respective body ends by of said borings. The present invention, as set forth in claim 31, recites that the elongated body can be elastically flexed from the longitudinal direction, wherein the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material.

In Chen, handles 20 (Figs. 1-9) are not attached through borings being formed in the elongated body transverse to its longitudinal direction. In the exercising forms, illustrated in Figs. 14 and 15, where the Chen device is designed for being elastically flexed from a longitudinal direction, handles 20 are even removed. Thus, in that embodiment, no handles are attached at all, much less are they close to respective body ends of the elongated body through borings transverse to the longitudinal direction thereof.

Further, in embodiments where a cable 10 is used for exercises (Figs. 8-10, [0031]), handles 20 are disengaged from longitudinal member 60 and/or rods 70, while the latter elements may be engaged with or attached to a door or frame member 99.

Thus, Chen ***fails*** to describe or suggest the specific attachment of the handles as presently claimed by claims 18 and 31, and claims depending therefrom.

Moreover, the structural features of present invention, as set forth in claims 18 and 31, are not equivalent to the structures and arrangements of the sports devices in the cited references. Specifically, without a need of disengaging and restructuring the device (as, for example, required by the exerciser of Chen), in accord with the present invention, it is possible to perform a plurality of gymnastic exercises and to have more flexibility of the sports device as a whole, especially better flexing capabilities and additional stretching capabilities. At the same time, a good overall integrity of the entire sports device is maintained, as the handles maintain attachment by specific structures as set forth in present claims 18 and 31 and provide significant improvements over sports devices of the cited prior art.

The Examiner admits that Chen fails to disclose at least borings transverse to the longitudinal body, as set forth in claim 18. Webber was cited previously to make up for this deficiency. However, Webber fails to make up for the deficiencies of Chen.

In accord with the present invention as set forth in claim 18, the borings are provided transverse the longitudinal direction through the elongated body. In Webber, hand grip 44 is secured only to the outer surface of the arms 28 and this is done only via a ring or eyelet 46 (Fig. 2 and paragraph [0047] on page 3). Nowhere in Webber, is it disclosed or suggested to provide borings through an elongated body transverse a longitudinal direction. The purpose and constitution of the element with reference sign 46 in Fig. 2 of Webber is simply to provide an attachment point for the handles 40 to be firmly secured to rigid side arms 28. This is fundamentally different from the concept and the idea of the present invention. Specifically, by designing the sports device according to present claim 18, it becomes possible to readily bend the elastically flexing elongated body in both of two main directions (e.g. above and below the apparent axial line illustrated by the dashed line in Figs. 1A and 1B of the present application).

Moreover, in a sports device according to the present invention, the handles can be pulled from one side to the other side over the respective ends of the longitudinal body in order to further improve the handling and the performance of the claimed sports device. In addition, the presently claimed construction facilitates the engagement of both the hands and the feet of a person into the handles. Thus, the operation can be facilitated, the training capabilities of the whole body of a person can be improved, and multiple gymnastic exercises can be carried out in spite of a quite simply constructed sports device.

The features and advantages of the sports device according to present claim 18 would not have been obvious to one of ordinary skill in the art in view of any combination of Chen and Webber.

Regarding claim 31, in the present invention, the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material, to enable pulling movement for elastically flexing the elongated body from the longitudinal direction and/or stretching movement in the longitudinal direction.

Webber fails to teach or suggest any structure to make up for the deficiencies of Chen. Nothing in Webber suggests a structure that enables a pulling movement for elastically flexing the elongated body from the longitudinal direction, while still enabling a stretching movement in the longitudinal direction.

The Examiner now relies on Bystrom for a teaching of a bore transverse to a member. First, Bystrom is not prior art because (1) Applicant is entitled to a filing date of May 7, 2004 when PCT/EP04/04912 was filed designating the United States and (2) Applicant is entitled to the priority of German Patent Application No. 20 2004 003 054.3 filed February 27, 2004. Either of these facts are sufficient to eliminate Bystronm as prior art.

However, even if Bystrom could be cited properly as prior art, Applicant respectfully notes that the Examiner's observations under items 3 to 6 of the Office Action are not correct.

Bystrom fails to teach or suggest the distinguishing features defined in present claims 18 and 31 (as already discused in connection with previously cited references Chen, Webber and Brown).

With reference to claim 18, it is noted that a boring in Bystrom is provided mandatorily in the center between the respective body ends, but not close to the respective body ends as recited in claim 18 (see claim 1 and the Figures of Bystrom). By purpose and necessarily, the handle portions at the respective ends of the longitudinal body of Bystrom are hollow for inserting weights 19. This teaches against the provision of borings transverse the longitudinal direction close to the respective body ends for attaching the handles at these positions, which is significant according to present invention as set forth in claim 18 for exercising the relevant functionalities of the sports device.

With references to claim 31, it is further noted that Bystrom is entirely silent about handles that are attached to the longitudinal body by a stretchable element comprising an elastically stretchable material in order to perform the function as defined in present claim 31.

Further, regarding the boring in the center of the longitudinal body of Bystrom, a further basically different purpose and concept can be stressed as opposed to the present invention: that is, by rotating the elongated body about its longitudinal axis by the user, a weight 9 shall be moved upward or downward in order to allow weight exercises (see paragraphs [0005] and [0026] of Bystrom). This has nothing to do with the design, provision and purpose of the borings and the associated features of the sports device as set forth in present claim 18. Also, the attachment of handles by a stretchable element comprising an elastically stretchable material to enable pulling and/or stretching movements, as defined in present claim 31, also is not derivable from Bystrom by one of ordinary skill in the art.

It is not seen, therefore, how the present invention would have been obvious to one of ordinary skill in the art in view of any combination of Chen, Webber and Bystrom.

Claims 18, 22, 23 and 32 are rejected under 35 U.S.C. §103(a) over Brown and Webber (previously cited) in view of Bystrom. Brown and Webber were discussed in detail in prior communications. Webber also is discussed above. Brown also fails to teach or suggest the

elongated body further comprising respective body ends and having borings transverse the longitudinal direction, wherein the handles are attached close to the respective body ends by of said borings, as set forth in claim 18, or the elongated body can be elastically flexed from the longitudinal direction, wherein the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material, as set forth in claim 31. The Examiner admits that Brown fails to disclose at least borings transverse to the longitudinal body, as set forth in claim 18. As discussed above, Bystrom is not prior art, and also fails to make up for the deficiencies of Brown and Webber.

It is not seen, therefore, how the present invention would have been obvious to one of ordinary skill in the art in view of any combination of Brown, Webber and Bystrom.

Claims 18-26 are rejected under 35 U.S.C. §103(a) over Sanso and Webber (previously cited) in view of Bystrom. Sanso and Webber were discussed in detail in prior communications. Webber also is discussed above. Sanso also fails to teach or suggest the elongated body further comprising respective body ends and having borings transverse the longitudinal direction, wherein the handles are attached close to the respective body ends by of said borings, as set forth in claim 18, or the elongated body can be elastically flexed from the longitudinal direction, wherein the handles each are attached to the elongated body by a stretchable element comprising an elastically stretchable material, as set forth in claim 31. The Examiner admits that Sanso fails to disclose at least borings transverse to the longitudinal body, as set forth in claim 18. As discussed above, Bystrom is not prior art, and also fails to make up for the deficiencies of Sanso and Webber.

It is not seen, therefore, how the present invention would have been obvious to one of ordinary skill in the art in view of any combination of Sanso, Webber and Bystrom.

Claim 33 is rejected under 35 U.S.C. §103(a) over Sanso and Webber (previously cited), Bystrom in view of Brown. Sanso, Webber and Brown were discussed in detail in prior communications and also are discussed above. The Examiner has admitted that Sanso, Webber asnd Brown fail to disclose at least borings transverse to the longitudinal body. As discussed

above, Bystrom is not prior art, and also fails to make up for the deficiencies of Sanso and Webber.

It is not seen, therefore, how the present invention would have been obvious to one of ordinary skill in the art in view of any combination of Sanso, Webber, Bystrom and Brown.

Applicant notes that, in connection with the Office Action dated September 05, 2007, on Substitute form 1449A, the Examiner lined out and did not initial foreign patent documents FR 2 767 303 (BA) and DE 34 38 668 (BB). Applicant submits herewith further information regarding these references, namely, English excerpt translations relating to possibly relevant passages (concerning BA, the passage was cited in the International Search Report, and concerning BB, the reference was cited in the application as originally filed). Applicant requests thaqt the Examiner consider references BA and BB, at least in view of the enclosed English translations.

In view of the discussion above, applicant believes the pending application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Dated: 25 Sept. '08

Respectfully submitted,

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